

Preliminary Decision Memo

2021 Recreation Residence Projects –Crescent Lake

USDA Forest Service
Crescent Ranger District, Deschutes National Forest
Klamath County, Oregon

Background

The Crescent Ranger District maintains 66 recreation residence permits on Odell Lake and 72 on Crescent Lake. Each year, permittees may submit applications for repairs and alterations to their privately-owned structures to ensure safety, accessibility, and compliance with regulations, as well as upgrades as permitted under conditions outlined in the recreation residence special use permit language. Upon acceptance of these project requests, the Forest Service is required to conduct a National Environmental Policy Act of 1969 (NEPA) analysis on any project that may alter the character of a residence or that includes any ground-disturbing activity. This Preliminary Decision Memo covers 11 recreation residences and their associated projects¹ on Crescent Lake: CL-4, CL-16, CL-18, CL-19, CL-33, CL-34, CL-38, CL-44, CL-49, CL-59 and CL-67.

Purpose and Need

There is a need to maintain recreation residence structures and associated improvements in a safe condition that provides for accessibility, ensures compliance with County, State and Federal regulations, and allows for upgrades as permitted under conditions outlined in the recreation residence special use permit language.

Proposed Action

The Forest Service proposes the following actions to meet this purpose and need:

Cabin CL-4: Project 1 New Well Installation: Proposes to install a well at the top of the lot near the access. Also proposes to dig a trench that would accommodate the water and electrical lines support to operate the well. The trench is approximately 6" W X up to 36" in depth X approximately 300' to connect to existing water line at side of cabin. Proposes to use a standard well driller (provided by contractor), a walk-behind trencher to dig the trench for the water and electrical lines. No trees or vegetation is proposed to be removed. Site plan provided (located in project file) of well location to include an alternate location should it be needed. All ancillary equipment for well to be installed within existing storage shed.

Project 2 New Hot tub: Install a 39" H x 85" W x 69" L hot tub onto the west end of existing deck. Siding of hot tub to be cedar with a natural tone stain. Proposes to use spa dolly/cart for installation. Screening from lake shore provided by deck railing and large tree. Once installed, if screening is needed, coordinate that look with permit administrator. Proposes to use garden hose to drain hot tub, when needed, into septic tank for disposal.

Cabin CL-16: Project 1: Replacement of decking and railing: Proposes to replace decking and railing system of existing front deck. Decking material to be 12" x 2" x 6" cedar or redwood left its natural color but sealed for preservation using a clear sealant. Size of deck is 12' x 24' or a total of 288 square feet. Railings system includes 2" x 4" redwood materials left its natural color, but sealed for preservation using a clear sealant, supported by 4" x 4" post with a wire non-galvanized mesh material. No trees or

¹ Some recreation residences have more than one project.

vegetation proposed to be removed. Proposes to use standard carpenter tools to include circular saw and drill.

Cabin CL-18: Project 1: Replace septic tank & install new drain field: Proposes to remove old metal tank located on the east side of the cabin and replaced with new 1000-gallon polypropylene tank approximately 5' from existing tank location to avoid trees and provide future expansion of private structure. Location to be staked this spring. New tank measurements are 127" L x 62.2" W x 54.7" H. Hole for new tank to be slightly larger to accommodate installation. One test pit anticipated to be dug on same side of cabin as historically required by Klamath County for system replacements. New drain field would be in the general area of test pit on east side of cabin and could travel to the south (front or lakeside of cabin) if needed to obtain required length of line. Trench for drain field is 24" W x 18" to 36" D for a total of 225' L (normally 3 lines = 75' or 4 lines to equal specified length) base on the soil evaluation (test pit). Proposes to use 50g excavator with rubber tracks and a bucket ranging from 12" to 48" wide to dig tank hole and dig trench. Permit holder indicates that 5-8 small <10" dbh trees and manzanita to be removed to accommodate new drain field on east side of cabin and potentially to the south (front or lake side of cabin) side if needed. Will retain as many small trees as possible and avoid all larger trees unless coordinated with permit administrator for removal. Proposes to rehab the disturbed area by raking all affected areas back to natural look, replanting with FS suggest native species of trees if needed and place small trees removed on ground to combat potential erosion. Developed site plan provided once location is staked in spring.

Cabin CL-19: Project 1: Install new temporary satellite dish: Proposes to install a temporary tripod on the bank of Crescent Lake to hold a 24" diameter satellite dish. Exact location would be based on signal availability but would need to be in an area adjacent to permit holder's lot. Satellite cable to be placed above surface where practical. Permit holder would like to bury cable below surface, if possible, at a depth not to exceed 10". Satellite dish to be removed when no one is present at residence. Holder to remove old dish that is attached to cabin.

Cabin CL-33: Project 1: Replacement of stairs: Proposes to replace stairs to beach. Stair measurements proposed to be 36" W x 20' L x 36" H using a cedar material. Proposes to treat wood railing material with non-toxic sealant (clear coat) and leave the steps to naturally weather. No trees or vegetation is proposed to be removed. Proposes to use standard carpentry tools. Proposes to reuse the existing pier blocks (currently buried, would need to uncover) at the top and bottom of existing steps. Old stairs, once removed, hauled to recycling center for disposal. Design of steps provided in project file.

Cabin CL-34: Project 1: Replace Storage shed: Remove old pump house along shoreline (off-lot) and replace with new storage shed located on-lot. Proposes to remove pump house using standard carpenter tools including the concrete pad that measures 6' x 4'. Proposes to remove concrete pad with a sledgehammer or if necessary, a jack hammer. Debris to be disposed of at local landfill. New storage shed is proposed to be located at end of parking area to measure 10' W x 13" L and 15' H and constructed out of wood on a pier block foundation system. Proposes to scrap surface to level blocks. The roofing, siding, and color of material to mimic that of primary structure. May include windows on side and a single door. Proposes to purchase pre-constructed structure if the style could replicate the primary structure or construct on-site. Pre-constructed structure delivered on truck and off-loaded with forklift. Proposes to use standard carpentry tools to complete the project. No trees or vegetation would need to be removed in this location.

Cabin CL-38: Project 1: Repair existing driveway: Proposes to move a minimal amount of soil at north end of the driveway along the edge and place it into a hole at the entrance of the driveway to level off the area. Then proposes to place gravel onto the native surface to stabilize the surface to prevent future

erosion. Proposes to use a backhoe, gravel truck, shovels, rakes. Site plan is provided attached to proposal in project file. No trees or vegetation proposed to be removed.

Project 2: New driveway extension: To improve access to cabin due to very steep slope, proposes to extend driveway by removing five trees (proposal indicates they are small in size and either dead or dying), scape the native surface, widen the route to 14' W for approximately 45' in length. Site plan is attached to proposal in project file. Would also like to add gravel to new driveway. Proposes to use backhoe, wheelbarrow, shovels and rakes to complete the project. *Will stake in the route in the spring and ranger would like a field trip.*

Cabin CL-44: Project 1: Install new deck screening: Add lattice under existing deck to provide screening for storage. Existing deck is 12' x 32' and 7' H. Lattice to match that measurement and left to weather to a grey color. No ground disturbance proposed.

Project 2: Replace exiting foot bridge (access to hot tub) & railing replacement: Proposes to replace old foot bridge that goes from deck to hot tub with new material that matches the existing deck. Foot bridge replacement would be in same shape as existing, railing to match existing deck railing using Douglas- fir sealed with a natural stain to preserve the wood material. Decking on foot bridge painted a light gray non-skid paint on slopped sections to prevent slipping. Proposes to use standard carpentry tools. Minimal ground disturbance.

Cabin CL-49: Project 1: Replacement of Windows. New proposed windows would be 32" W x 42" H (permit holder indicates "approximately") and proposes to replace and match as close as possible to existing windows the same color and style. Would use a natural wood stain to match trim on the rest of the windows. Proposes to use standard carpentry tools for installation. Minimal ground disturbance, or vegetation removal. NOTE: A single window replacement was approved for this cabin in 2020.

Cabin CL-59: Project 1: Replacement of exterior doors: Proposes to replace three existing exterior doors with new doors. Front door (38" W x 81 ½" H) replaced with similar door using the existing openings but painted a dark walnut color. Side door, currently a slider (60" W x 80" H), replaced with new slider of the same size using existing opening. The back door (lakeside), two windows beside and an existing transit window above is proposed to be replaced with a new slider (79.5" H x 81½" W) into the same opening without increasing the size of the existing opening. Proposes to also to install a single transit window (11.5" H x 81 ½" W) above slider. If trim is removed, it is to be replaced and painted same color as existing trim. Window are constructed out of dark brown vinyl material to match existing window as close as possible.

Project 2 Replacement of roofing material-Cabin: Proposes to replace asphalt shingles with new metal roofing in a dark matte Pine Green color (SRI-24). Proposes to use power saw, nail gun and other standard carpentry tools. No removal of trees or vegetation and minimal ground disturbance for scaffolding and dumpster. Sample color in project file.

Project 3 Repaint pump house & replace roofing material: Proposes to repaint pumphouse a dark brown to match the existing color on the cabin. Proposes to replace the asphalt roofing material with new metal roofing material, in a dark matte Pine Green (SRI-24), the same as cabin's new roofing material. No trees or vegetation proposed to be removed and minimal ground disturbance for scaffolding and dumpster. Proposes to use electric sander, nail gun, painting equipment and other standard carpentry tools. Sample colors in project file.

Cabin CL-67: Project 1: Replacement of stairs and landings: Proposes to replace existing stairs to the beach using Douglas-fir and cedar wood materials placed onto pier block or footings. Proposes to construct new stairs to 3' 6" W x approximately 24' L. Railing system attached to stairs at a proposed height of 3'6". Proposes to replace existing landing's (top of stairs) pressure treated materials with Douglas-fir and cedar materials, use existing support system of attach landing. Landing measures 6' W (2' wider than stairs on right side) x 8' (back onto bank for stability) and sits at grade or at surface. Where

landing attaches to stairs, use 4" x 4" cedar post buried 12" into the ground. Landing at the bottom of stairs is to be no more than 48" W x 36" L and placed on 4" x 4" cedar post buried 12" below surface. Material may be sealed using non-toxic sealant or left to weather in place. Proposes to haul old material away to local landfill. Proposes to use standard construction materials to complete project.

The projects are located in Klamath County, Oregon, with a legal description of T24S, R6E, Sections 14, 15, 16, and 21, Willamette Meridian (Figure 1).

Reason for Categorical Exclusion and Findings

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories listed in 36 CFR 220.6(e), and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

Category of Exclusion

The appropriate category of exclusion is found in the Forest Service National Environmental Policy Act (NEPA) regulations at 36 CFR 220.6(e).

Relationship to Extraordinary Circumstances

In determining the appropriateness of using the categorical exclusion, a determination of the potential impact to the resource conditions identified in FSH 1909.15 Section 30.3(2) must be made. The following is the list of the potential effects to the resource conditions from the project activities.

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

- **Wildlife:** It is anticipated that this project would have "No Effect" to any threatened or endangered species and "No Impact" to any R6 Sensitive wildlife species. A Biological Evaluation (BE) would be completed before issuance of a final Decision Memo to document any potential effects, and any design criteria or mitigation measures will be added to that decision.
- **Plants:** It is anticipated that this project would have "No Effect" to any threatened, endangered, and "No Impact" R6 Sensitive plant species. A Biological Evaluation (BE) would be completed before issuance of a final Decision Memo to document any potential effects, and any design criteria or mitigation measures will be added to that decision.
- **Fisheries:** It is anticipated that this project would have no disturbance or "No Effect" to fisheries as a result of this decision.

2. Flood plains, wetlands, or municipal watersheds

Executive Order 11988 provides direction to avoid adverse impacts associated with the occupancy and modification of floodplains. Executive Order 11990 provides direction to avoid adverse impacts associated with destruction or modification of wetlands. The project is consistent with both executive orders.

- This project would have no effect to either floodplains or wetlands.
- There would be no adverse effects to a municipal watershed because the project is not located within or adjacent to a municipal watershed.

3. *Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas*

The proposed project is not within a Wild and Scenic River corridor. The closest is the Crescent Creek Wild and Scenic River corridor, which is approximately one quarter mile to the east of the closest recreation residence on Crescent Lake and would not be impacted by the proposed actions. The project area is not located within any Wilderness, Wilderness Study Areas, or National Recreation Areas. The closest Wilderness Area is the Diamond Peak Wilderness, which is approximately ¼ mile away and separated from the Crescent Lake recreation residence tracts by the FS 60 road. The only potential wilderness impact would be from noise associated with project work; however, the noise level would not be more than that associated with normal recreation and railroad activities in the area and limited in duration (for the construction period only).

The Crescent Lake recreation residences are approximately one mile from the edge of the Oregon Cascades National Recreation Area (OCRA). There is no proposed activity in the OCRA.

4. *Inventoried roadless areas or potential wilderness areas*

The project is not located within any Inventoried Roadless Areas (IRA) or potential wilderness areas. The nearest Inventoried Roadless Area is the Maiden Peak IRA, which lies approximately six miles north of the Crescent Lake recreation residences. Due to the distance there would be no impacts to this IRA from these projects. The project is not within a potential wilderness area, nor will it affect any of the criteria for inventorying potential wilderness (ie. – no roads will be built and no timber will be cut).

5. *Research Natural Areas*

There are no existing or proposed Research Natural Areas (RNA) in or adjacent to the project. The nearest Research Natural Area is the Gold Lake Bog RNA, which is approximately 10 miles to the northwest on the Willamette National Forest.

6. 7. *American Indian and Alaska Native religious or Cultural Sites, Archaeological Sites, or Historic Properties of Areas*

Consultation for this project would be covered under the 2004 Programmatic Agreement for the State of Oregon and a final determination of compliance with Section 106 of the National Historic Preservation Act, including any required field surveys, would be completed before issuance of a final decision memo.

Based on the conclusions regarding the effects to the resources and conditions listed above, I will determine whether the project will have no extraordinary circumstances that may result in a significant direct, indirect, or cumulative effect on the quality of the human environment.

Consistency with Deschutes Land and Resource Management Plan

This project will be consistent with direction found in the *Deschutes National Forest Land and Resource Management Plan and Record of Decision 1990* (Forest Plan), as amended by the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan, 1994). Biological Evaluations are being prepared for Sensitive, Threatened, and Endangered animal and plant species and will be located in the project file at the Crescent Ranger District. Also, the project will meet all of the applicable Project Design Criteria from the 2014 Programmatic Biological Assessment for central Oregon.

This project is inside the Northwest Forest Plan boundary and will apply the Survey and Manage species list in the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*.

Public Involvement

Public scoping and Tribal consultation are being conducted in conjunction with the release of this preliminary Decision Memo.

Implementation

When the Decision Memo is signed, project implementation can begin once final approval is received from the Crescent District Special Uses Administrator. The following project design features will be included to meet project objectives and/or to reduce or minimize unwanted effects:

Cultural

- For any ground disturbance work- if imported fill is utilized it must be from a culturally sterile source (meaning there is no possible contamination from fill originating from another buried archaeological site).
- If, prior to, or during construction work, items of archeological or historical value are reported or discovered, or an unknown deposit of such items is disturbed, the permit holder/contractor would immediately cease activities in the area affected. The Forest Service would be notified and ground disturbing activity would not resume until written authorization is provided.
- Should human remains be encountered, the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001 et seq. [Nov. 16, 1990] and its regulations (43 CFR §10) would apply.

Botany

- Equipment Cleaning - Actions conducted or authorized by written permit (contracts) require cleaning of all heavy equipment (i.e., bulldozers, skidders, and other construction equipment) prior to entering Forest Service lands. Equipment will be inspected on-site by the Forest Service project manager or the District botanist prior to start of work.
- All gravel, fill, sand stockpiles, quarry sites and borrow materials used for this project will be inspected for invasive plants before such material is transported and used within Forest Service lands. Any infested sources must be treated before use of pit material. Only gravel, fill, sand, and rock that are judged to be weed-free by District or Forest weed specialists will be used for this project (Requirement R6 Standard #7).

Soils/Hydro

- When rain is expected, all exposed soils should be secured (i.e. put soil back in ditch, take soil off steeper slopes, instill a sediment catch fence etc.). If a precipitation event is expected to produce overland flow, it is recommended that the project be discontinued until conditions dry out. At the completion of the project soils should be secured, and adequate vegetative cover and drainage structure provided (FAC-2).
- No used building material will be disposed along the shoreline.
- Pressure treated materials is not allowed.
- All refueling and storage of equipment will occur more than 25 feet from water.
- Equipment operators/operations will have a spill kit on site on site of sufficient size to clean up and prevent further contamination.
- Forest Service will be informed of any observed petroleum spills.

Transportation

- For any National Forest system road related activities please contact the Crescent Ranger District's Road Manager/Transportation Planner at (541) 433-3254 at least 10 working days prior to the proposed activities. Issuance of a road use permit may be required.
 - Road related activities may include but are not limited to; Commercial hauling (sale of a good or service regardless of profit on National Forest Service lands), road use outside of authorized access or any road maintenance activities including snow removal.

Best Available Science and Conclusion

My conclusion will include a review of the record of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

How to Comment and Timeframe

Your comments about the proposed actions or other concerns are welcome and would be considered in the decision. They would be most helpful if received by June 09, 2021. Comments can be submitted to the address on the header of this letter, or by email to: comments-pacificnorthwest-deschutes-crescent@usda.gov. Written or oral scoping comments should include your name, address, and telephone number (if available). Include the title of the project (2021 Crescent Lake Recreation Residence Projects).

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymously will not provide the Agency with the ability to provide the respondent with the subsequent environmental documents.

This letter/notice also serves as an invitation to participate in the Forest's National Historic Preservation Act, Section 106 process for the project.

Administrative and Appeal Rights

The final decision is not subject to appeal or objection. On January 17, 2014, the President signed into law the Consolidated Appropriations Act of 2014 (Pub. L. No. 113-76). Section 431 of that Act directs that the 1992 and 2012 legislation establishing the 36 CFR 215 (post-decisional appeals) and 36 CFR 218 (pre-decisional objections) processes "shall not apply to any project or activity implementing a land and resource management plan ... that is categorically excludedunder the National Environmental Policy Act [NEPA]." As a result, the Forest Service no longer offers notice, comment, and appeal opportunities pursuant to 36 CFR 215 for categorically excluded projects such as the one covered under this Decision Memo.

Contact Information

For additional information concerning this project, contact Meria Page, Special Uses Administrator at Crescent Ranger District, 136471 Hwy 97 N/ P.O. Box 208, Crescent OR 97733, or by phone at (541) 433-3200.

Responsible Official

The Responsible Official will be the District Ranger, Crescent Ranger District, Deschutes National Forest.

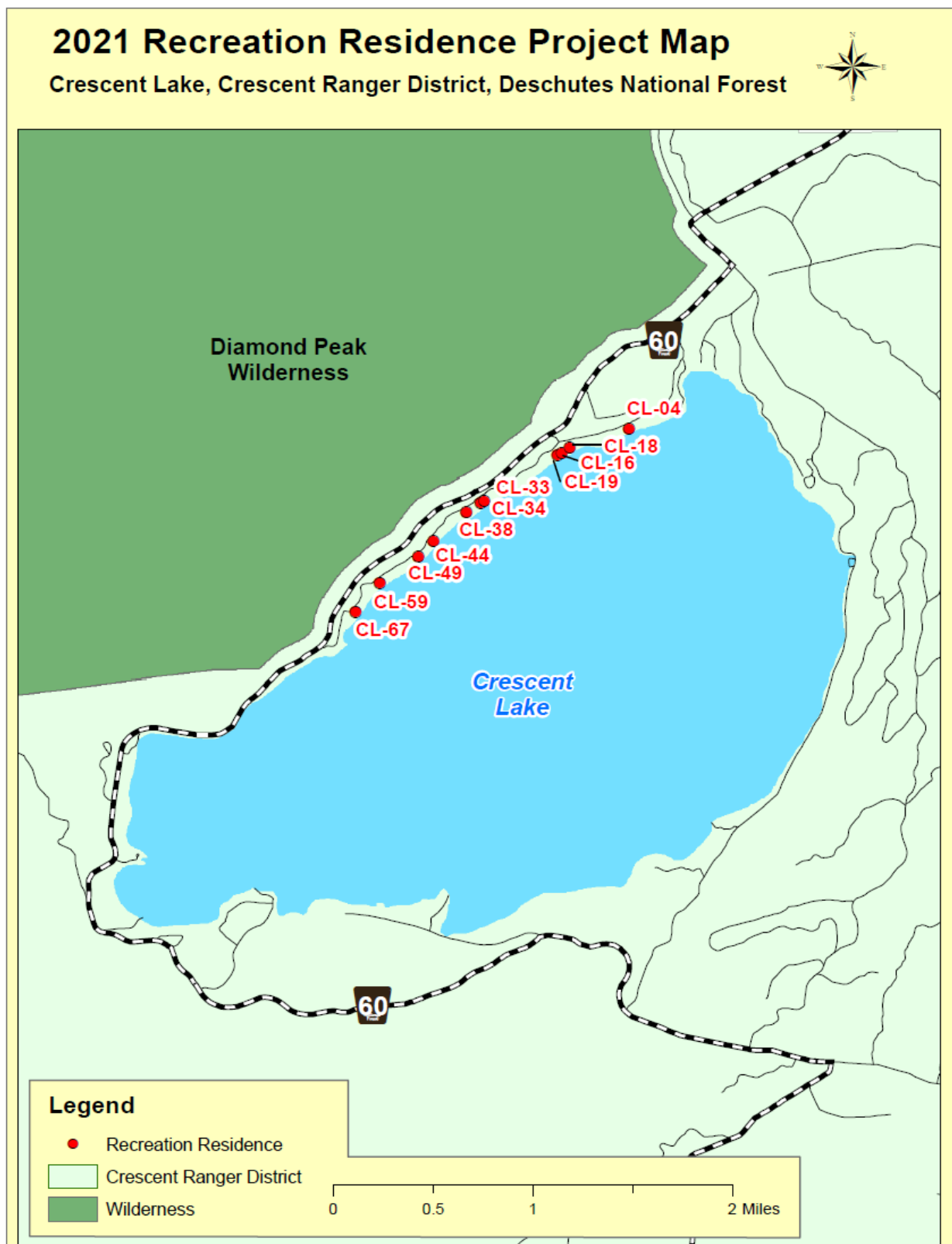


Figure 1 – Crescent Lake 2021 Recreation Residence Locator Map